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1

Gentony
as } exceptions
Henry Boyd

Filed 8th of Dec
ember 1846
J M Cunning Clk

476

Territory of New Mexico } Circuit court
vs }
Francis Bouyer } Dec Term 1846

In the above entitled cause the following testimony was produced by the state.

Marcus Langlois being first duly sworn deposeth and sayeth that on or about the time laid in the Indictment the above named defendant sold to the quater master a lot of plank the property of he the above named witness, and by fraudulently misrepresenting his name did obtain from said quater master ~~the~~ a due bill for and of the value of eighteen dollars and fifty cents which he the said defendant fraudulently converted to his use.

Said witness further saith that when said defendant was arrested for the offence he, said defendant asked said witness, what he was arrested for? Was it for for ~~the~~ the plank he had stold from he the said witness

witness further states that he said witness took with him witnesses to the quater master and proved the plank to be his property

Charles Bruyere being duly sworn deposeth as follows- on or about the time mentioned in said Indictment said defendant acknowledged he had sold a lot of plank to the quater master and received a due bill therefor but said

Witness does not know to whom said plank belonged.

J Thompson being duly sworn deposed that he was in the quartermasters office when the defendant at the bar came and demanded pay for a lot of plank in and by the name of Boat on or about the time charged in said indictment— Said quartermaster executed a due bill for eighteen dollars and fifty cents and delivered it to said defendant

Hill being duly sworn deposed that the defendant at bar came to the Quarter masters office on or about the time mentioned in said Indictment and obtained a due bill from said quarter master, in and by the name of Francis Polite for a lot of plank afterwards proven to be the property of Songles & Wiener the amount of said due bill was eighteen dollars and fifty cents

Witness further states that upon his examination before the Alcalde said defendant acknowledged that he had sold the plank and converted the proceeds to his own use.

Witness also states that at the time of making the above acknowledgement the said defendant was under arrest

It was proven to be in the town of Sante Fe that the act was committed

The foregoing is all the evidence introaucid in the above case and the defendants attorney thereupon moved the court to instruct the Jury that if they believed that the prosecution had not proven the foregoing facts and offence as charged in said indictment to have been committed in the County of Santa fe they must find the defendant not guilty. The court thereupon refused to give the instruction asked for as above ~~the court having decided~~ ~~but instructed~~ the ~~Jury that the Venue had been sufficiently proven~~ To which refusal and charge the defendants attorney excepts and presents to the court this said defendants bill of exceptions and prays it may be signed and made a part of the record in the above entitled cause which is accordingly done

J Houghton